

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HABITAT FOR HORSES, a Texas non-profit :  
corporation; AMERICAN SOCIETY FOR THE :  
PREVENTION OF CRUELTY TO ANIMALS, a :  
New York non-profit corporation; THE CLOUD :  
FOUNDATION, a Colorado non-profit :  
corporation; TONI MOORE; and DR. DON :  
MOORE, :  
:  
Plaintiffs, :

v. :

KEN SALAZAR, in his official capacity as :  
Secretary, U.S. Department of the Interior; :  
ROBERT ABBEY, in his official capacity as :  
Director, Bureau of Land Management; KENT :  
WALTER, in his official capacity as Field :  
Manager, Bureau of Land Management, White :  
River Field Office, :  
:  
Defendants. :

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10 Civ. 07684 (WHP)

**DECLARATION OF  
DANIEL P. WEICK IN  
OPPOSITION TO  
DEFENDANTS' MOTION  
TO DISMISS AND  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Daniel P. Weick hereby declares under penalty of perjury:

1. I am an attorney at the law firm Kaye Scholer LLP, attorneys for Plaintiffs in this action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in opposition to Defendants' motion to dismiss and motion for partial summary judgment in this action.

2. Attached as Exhibit 1 is a true and correct copy of the Decision Record For The 2010 Piceance-East Douglas Herd Management Area Wild Horse Gather Plan and Selective Removal (Sept. 10, 2010).

3. Attached as Exhibit 2 is a true and correct copy of the Piceance-East Douglas Herd Management Area Wild Horse Gather Plan Environmental Assessment Finding of No Significant Impact (Sept. 10, 2010).

4. Attached as Exhibit 3 is a true and correct copy of the Environmental Assessment for the 2010 Piceane-East Douglas Herd Management Area Wild Horse Gather Plan and Selective Removal. (Jul. 29, 2010).

5. Attached as Exhibit 4 is a true and correct copy of the census of wild horses in the Piceane-East Douglas Herd Management Area and surrounding areas performed between February 2, 2010 and March 17, 2010 by the Bureau of Land Management.

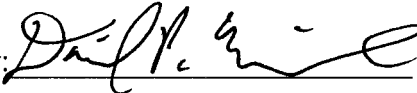
6. Attached as Exhibit 5 is a true and correct copy of the *BLM National Environmental Policy Act Handbook*.

7. Attached as Exhibit 6 is a true and correct copy of the Bureau of Land Management's *Information Quality Guidelines* (2002).

8. Attached as Exhibit 7 is a true and correct copy of the Bureau of Land Management's press release, "BLM to Host Public Hearing and Scoping on Piceance Wild Horse Gather" (Feb. 7, 2011).

Dated: March 4, 2011  
New York, NY

KAYE SCHOLER LLP

By: 

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